

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

JEFFREY DESKOVIC,

Plaintiff,

vs.

CITY OF PEEKSKILL, PUTNAM COUNTY,  
WESTCHESTER COUNTY, DAVID LEVINE,  
THOMAS MCINTYRE, WALTER BROVARSKI,  
EUGENE TUMOLO, JOHN AND JANE DOE  
SUPERVISORS, DANIEL STEPHENS, LOUIS  
ROH, MILLARD HYLAND, PETER INSERO, and  
LEGAL AID SOCIETY OF WESTCHESTER  
COUNTY,

Defendants.

Index No. CV-07-8150 (KMK)(GAY)

**STIPULATION AND ORDER OF  
DISMISSAL WITH PREJUDICE  
AS TO  
UNDERWRITERS AT LLOYD'S,  
LONDON; CX REINSURANCE  
COMPANY LIMITED as successor-in-  
interest to CNA INTERNATIONAL  
REINSURANCE COMPANY; CX  
REINSURANCE COMPANY LIMITED as  
successor-in-interest to CNA  
REINSURANCE OF LONDON,  
LIMITED; SPHERE DRAKE  
INSURANCE PLC; ILLINOIS UNION  
INSURANCE COMPANY; UNITED  
NATIONAL INSURANCE COMPANY;  
HARCO NATIONAL INSURANCE  
COMPANY; and AMERICAN ZURICH  
INSURANCE COMPANY  
REGARDING  
PEEKSKILL'S THIRD-PARTY ACTIONS  
IN BOTH THE *DESKOVIC* AND  
*MCGARR* ACTIONS**

LINDA MCGARR,

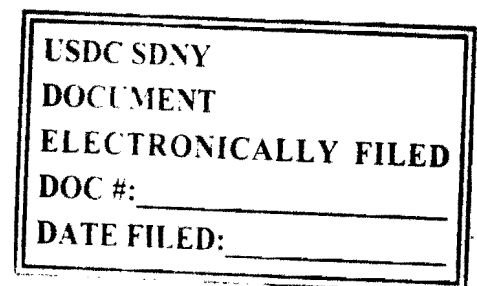
Plaintiff,

vs.

CITY OF PEEKSKILL, WESTCHESTER  
COUNTY, DAVID LEVINE, THOMAS  
MCINTYRE, WALTER BROVARSKI, EUGENE  
TUMOLO, JOHN AND JANE DOE  
SUPERVISORS, DANIEL STEPHENS, LOUIS  
ROH, AND MILLARD HYLAND,

Defendants.

Index No. CV-07-9488 (KMK)(GAY)



*Caption continued on next page*

*Caption continued from previous page*

CITY OF PEEKSKILL,

Third-Party Plaintiff,

vs.

WESTPORT INSURANCE CORPORATION as  
successor-in-interest to NORTH RIVER  
INSURANCE COMPANY, WESTPORT  
INSURANCE CORPORATION as a successor-in-  
interest to INTERNATIONAL INSURANCE  
COMPANY, UNDERWRITERS AT LLOYD'S,  
LONDON, CX REINSURANCE COMPANY  
LIMITED as successor-in-interest to CNA  
INTERNATIONAL REINSURANCE  
COMPANY, CX REINSURANCE COMPANY  
LIMITED as successor-in-interest to CNA  
REINSURANCE OF LONDON, LIMITED,  
SPHERE DRAKE INSURANCE PLC, ILLINOIS  
UNION INSURANCE COMPANY, UNITED  
NATIONAL INSURANCE COMPANY,  
TRAVELERS INDEMNITY COMPANY as  
successor-in-interest to GULF INSURANCE  
COMPANY, AMERICAN MOTORISTS  
INSURANCE COMPANY as successor-in-  
interest to AMERICAN PROTECTION  
INSURANCE COMPANY, AMERICAN  
MOTORISTS INSURANCE COMPANY as  
successor-in-interest to SPECIALTY NATIONAL  
INSURANCE COMPANY, HARCO NATIONAL  
INSURANCE COMPANY, and AMERICAN  
ZURICH INSURANCE COMPANY

Third-Party Defendants.

**WHEREAS**, Third-Party Plaintiff City of Peekskill (“Plaintiff” or “Peekskill”) has asserted claims against the following Third Party Defendants in the above-captioned Third-Party Actions filed in both *Deskovic v. City of Peekskill, et al.*, No. 07-CV-8150 (the “*Deskovic* Action”) and *McGarr v. City of Peekskill, et al.*, No. 07-CV-9488 (the “*McGarr* Action”):

- UNDERWRITERS AT LLOYD’S, LONDON;
- CX REINSURANCE COMPANY LIMITED as successor-in-interest to CNA INTERNATIONAL REINSURANCE COMPANY;
- CX REINSURANCE COMPANY LIMITED as successor-in-interest to CNA REINSURANCE OF LONDON, LIMITED;
- SPHERE DRAKE INSURANCE PLC;
- ILLINOIS UNION INSURANCE COMPANY;
- UNITED NATIONAL INSURANCE COMPANY;
- HARCO NATIONAL INSURANCE COMPANY; and
- AMERICAN ZURICH INSURANCE COMPANY  
(collectively, the “Undersigned Third-Party Defendants”).

**WHEREAS**, the undersigned parties hereby give notice that the above-captioned Third-Party Actions filed in both the *Deskovic* and *McGarr* Actions have been settled pursuant to a settlement agreement between the undersigned parties and is voluntarily dismissed, with prejudice, against the Undersigned Third-Party Defendants.

**WHEREAS**, the above-captioned Third-Party Actions filed in both the *Deskovic* and *McGarr* Actions against the remaining Third-Party Defendants have or will be dismissed with or without prejudice by separate stipulations so that the Third-Party Actions filed in both the *Deskovic* and *McGarr* Actions will each be dismissed in their entirety.

**WHEREAS**, Peekskill and the Undersigned Third-Party Defendants seek to reduce the expense and burden of litigation to themselves, to the other parties in this action, and to the Court.

**NOW, THEREFORE**, in consideration of this Stipulation of Dismissal With Prejudice, Peekskill and the Undersigned Third-Party Defendants, by and through their respective counsel of record, hereby mutually agree to the following:

**STIPULATION OF DISMISSAL WITH PREJUDICE**

**IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned parties that all claims are dismissed with prejudice as against the Undersigned Third-Party Defendants pursuant to Federal Rule of Civil Procedure 41 and court order.

**IT IS FURTHER STIPULATED AND AGREED**, that each undersigned party shall bear its own costs and attorneys' fees.

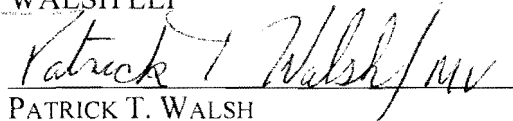
**IT IS FURTHER STIPULATED AND AGREED**, that this Stipulation may be signed in counterparts with all counterparts together constituting one complete Stipulation and that signatures received by facsimile or e-mail shall be deemed an original for purposes of this Stipulation.

*[signatures pages to follow]*

Dated: January 21, 2013

HINKHOUSE WILLIAMS  
WALSH LLP

By:



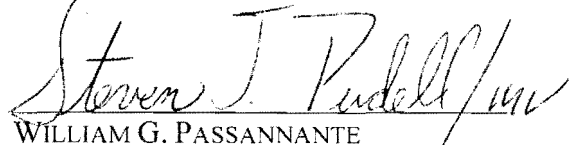
PATRICK T. WALSH  
BRADLEY KLEIN  
180 NORTH STETSON AVENUE  
SUITE 3400  
CHICAGO, ILLINOIS 60601  
TEL: (312) 784-5400

**ATTORNEYS FOR THIRD-PARTY  
DEFENDANTS CERTAIN  
UNDERWRITERS AT LLOYD'S,  
LONDON; CX REINSURANCE  
COMPANY LIMITED AS SUCCESSOR-  
IN-INTEREST TO CNA  
INTERNATIONAL REINSURANCE  
COMPANY; CX REINSURANCE  
COMPANY LIMITED AS SUCCESSOR-  
IN-INTEREST TO CNA REINSURANCE  
OF LONDON, LIMITED;  
RIVERSTONE (UK) LIMITED, AS  
SUCCESSOR-IN-INTEREST TO SPHERE  
DRAKE INSURANCE LIMITED  
(FORMERLY KNOWN AS SPHERE  
DRAKE INSURANCE PLC); AND  
UNITED NATIONAL INSURANCE  
COMPANY (AS TO POLICY NUMBERS  
CP62686; CPD62686; CP62831; AND  
CPD62831 ONLY)**

Dated: January 21, 2013

ANDERSON KILL P.C.

By:



WILLIAM G. PASSANNANTE  
STEVEN J. PUDELL  
1251 AVENUE OF THE AMERICAS  
NEW YORK, NEW YORK 10020  
TEL: (212) 278-1000

**ATTORNEYS FOR THIRD-PARTY  
PLAINTIFF CITY OF PEEKSKILL**

Dated: January 21, 2013

By: SEDGWICK LLP  
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**ATTORNEYS FOR THIRD-PARTY  
DEFENDANT UNITED NATIONAL  
INSURANCE COMPANY**

Dated: January 21, 2013

By: WHITE FLEISCHNER & FINO, LLP  
Janet P. Ford/mv  
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61 BROADWAY, 18TH FLOOR  
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TEL: (212) 487-9700

**ATTORNEYS FOR THIRD-PARTY  
DEFENDANT HARCO NATIONAL  
INSURANCE COMPANY**

Dated: January 21, 2014

By: COUGHLIN DUFFY LLP  
Robert J. Kelly/mv  
Robert J. Kelly, Esq.  
Christopher O'Leary  
Wall Street Plaza  
88 Pine Street, 28th Floor  
New York, NY 10005

**ATTORNEYS FOR THIRD-PARTY  
DEFENDANT AMERICAN ZURICH  
INSURANCE COMPANY**

Dated: January 21, 2014

By: CLYDE & CO. US LLP  
Marianne May/mv  
Marianne May, Esq.  
200 Campus Drive, Suite 300  
Florham Park, NJ 07932

**ATTORNEYS FOR THIRD-PARTY  
DEFENDANT ILLINOIS UNION  
INSURANCE COMPANY**

SO ORDERED this 24<sup>th</sup> day of January,  
2013.

4 KMK  
The Honorable Kenneth M. Karas  
United States District Judge